



February 13, 2020

FILED  
COURT OF CRIMINAL APPEALS  
2/14/2020  
DEANA WILLIAMSON, CLERK

Ms. Deana Williamson, Clerk  
Court of Criminal Appeals  
Supreme Court Building  
201 West 14th Street, Room 106  
Austin, Texas 78701

**Re: No. PD-0474-19, *Pendergraft v. State***

Ms. Williamson,

For the Court's information, please find attached a copy of a letter from the TDCJ Ombudsman's Office explaining TDCJ policy on appellate records. The letter also makes clear that Petitioner Pendergraft had the option of requesting that the Smith County District Clerk's Office mail the appellate record to his TDCJ Unit law library but failed to do so. I would have included this letter in the appendix to my brief on the merits but it arrived after the brief was filed.

Thank you,

/s/ Michael J. West

Michael West  
Asst. Criminal District Attorney  
(903) 590-1720

cc: Mr. Austin Jackson  
Attorney for Petitioner



## Texas Department of Criminal Justice

**Bryan Collier**  
Executive Director

February 13, 2020

INQ: 20-4167-01

Michael West  
[mwest@smith-county.com](mailto:mwest@smith-county.com)

Re: James Pendergraft – TDCJ #02193113

Dear Mr. West:

This correspondence is in response to your email to the Texas Department of Criminal Justice (TDCJ) Office of Ombudsman on behalf of offender James Pendergraft. You indicated that TDCJ staff confiscated a copy of his appellate record that was transcribed on a CD Rom and did not provide him assistance in reviewing the record, being that he is illiterate.

Per TDCJ policy, the court shall submit CDs or DVDs on behalf of an offender directly to the unit law library department. The unit law library staff will make the determination as to whether the offender shall be allowed to view the CD or DVD. In this case, the Smith County District Clerk office mailed the CD directly to offender Pendergraft. As such, the CD was denied in accordance with TDCJ policy. Offender Pendergraft was permitted to make disposition of the CD by signing a release form to return the CD to the sender. He may submit a request to the Smith County District Clerk office requesting the office to mail a copy of his appellate record to the unit law library department at his unit of assignment. Offender Pendergraft is currently assigned to the Coffield Unit.

Please feel free to contact this office should you have future concerns.

Sincerely,

Jeanetta Spikes, Ombudsman I  
TDCJ Office of Ombudsman

JMS/js

Cc: File

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*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

TDCJ Office of Ombudsman  
PO Box 99  
Huntsville, Texas 77342-0099  
Office (936) 437-4927 · Fax (936) 437-4930  
[ombudsman@tdcj.texas.gov](mailto:ombudsman@tdcj.texas.gov)